

SeHeindln, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

X
Master File No. 1:00 - 1898
MDL No. 1358 (SAS): M21-88

This document refers to:

PLAINVIEW WATER DISTRICT,

Case No. 08-CV-9667(SAS)

Plaintiff,

v.

AMERADA HESS CORP., *et al*,

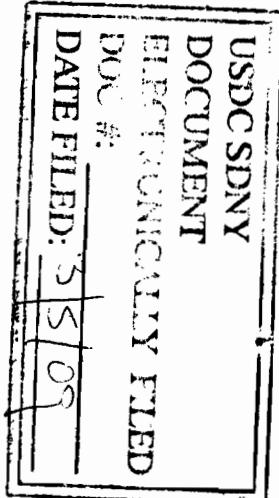
**STIPULATION AND ORDER
DISMISSING PLANT ONE
CLAIMS AGAINST CERTAIN
DEFENDANTS**

Defendants.

X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, counsel for Plainview Water District ("Plaintiff") and Defendants Chevron Texaco Corporation and Chevron U.S.A., Inc. ("Chevron"); Exxon Corporation, ExxonMobil Chemical Company, Inc., Exxon Mobil Corporation, Exxon Chemical USA, ExxonMobil Oil Corporation, and Mobil Corporation ("ExxonMobil"); Gulf Oil Limited Partnership ("GOLP"); Equilon Enterprises LLC, Shell Oil Products Company, Shell Oil Products Company LLC, Shell Petroleum, Inc., Shell Trading (US) Company, Shell Oil Company and Motiva Enterprises LLC ("Shell"), (collectively "Stipulating Defendants"), pursuant to Federal Rule of Civil Procedure 41(a)(2), that the undersigned shall move the Court for an Order dismissing all of Plaintiff's claims before this Court *in the above-referenced matter only*, for damages or other relief related to its Plant One wells ("Plant One Claims") as asserted against Stipulating Defendants.

IT IS EXPRESSLY STIPULATED AND AGREED that nothing in this Stipulation or in any agreement between the stipulating parties shall affect in any fashion the parties' rights or



positions in an ongoing appeal pending under docket numbers 2008-3108 and 2008-1629 in the Supreme Court of the State of New York, Appellate Division: Second Department of a Trial Verdict and subsequent Judgment entered thereupon of the Supreme Court of the State of New York, County of Nassau, between any of the stipulating parties.

In support of this stipulation and the order sought thereby, the undersigned counsel for Plaintiff and for the Stipulating Defendants expressly state as follows:

1. That based on the Supreme Court of the State of New York, County of Nassau's March 11, 2004 Short Form Order dismissing all of Plaintiff's claims against Chevron U.S.A., Inc. (incorrectly named as Chevron Texaco Corporation) under CPLR 3211 for failure to state a claim, Plaintiff voluntarily dismisses all Plant One Claims against Defendant Chevron in the above-captioned matter;

2. That Plaintiff voluntarily dismisses *its Plant One Claims only* against Defendants ExxonMobil, GOLP, and Shell in the above-captioned matter because these claims were adjudicated by the Supreme Court of the State of New York, County of Nassau's Trial Order and subsequently-entered Judgment in *Plainview Water District. v. Exxon Mobil Corp., et al.*, 856 N.Y.S.2d 502, 2008 WL 220192, No. 9975/01 (N.Y. Sup. Ct. Jan. 9, 2008); and

3. That Plaintiff reserves all remaining claims (*i.e.*, claims not related to its Plant One wells) alleged in its complaint against these Stipulating Defendants, and Stipulating Defendants reserve all defenses asserted in their Master Answers relating thereto.

Dated: New York, New York

February 17, 2009

By:



Paul J. Napoli (PN8845)
DENISE A. RUBIN (DR 5591)

Napoli Bern Ripka & Associates, LLP
3500 Sunrise Hwy., Suite T-207
Great River, New York 11739
Tel.: 212.267.3700
Fax: 212-587-0031
E-Mail: PNapoli@napolibern.com

Attorney for Plainview Water District

Dated: New York, New York

February 17, 2009

By:

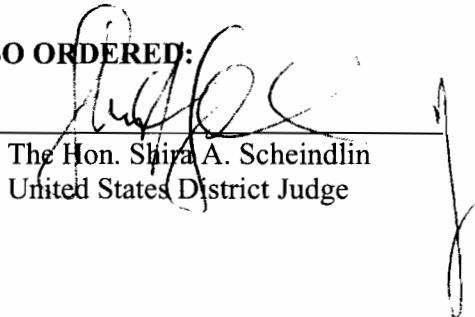


Christopher J. Garvey (CG 3323)

GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York, New York 10018
Tel.: 212.813.8800
Fax: 212.355.3333
E-Mail: cgarvey@goodwinprocter.com

Attorney for Gulf Oil Limited Partnership and on behalf of Defendants Chevron Texaco Corporation and Chevron U.S.A., Inc; Exxon Corporation, ExxonMobil Chemical Company, Inc., Exxon Mobil Corporation, Exxon Chemical USA, ExxonMobil Oil Corporation, and Mobil Corporation; and Equilon Enterprises LLC, Shell Oil Products Company, Shell Oil Products Company LLC, Shell Petroleum, Inc., Shell Trading (US) Company, Shell Oil Company and Motiva Enterprises LLC

SO ORDERED:



The Hon. Shira A. Scheindlin
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of foregoing **STIPULATION AND ORDER DISMISSING PLANT ONE CLAIMS AGAINST CERTAIN DEFENDANTS** was served upon counsel for Plaintiff and all other counsel of record via LexisNexis File & Serve on the 17 day of February, 2009.

Christopher J. Garvey /rim
Christopher J. Garvey